

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jose Murrillo-Perez #67000-065,)	
)	C/A No.: 9:05-2066-MBS
Petitioner,)	
)	
vs.)	
)	O R D E R
Matthew B. Hamidullah, Bureau of)	
Prisons,)	
)	
Respondent.)	
_____)	

At the time the action was commenced, Petitioner Jose Murrillo-Perez was an inmate in custody of the Federal Bureau of Prisons (FBOP). Petitioner, proceeding pro se, brought the within petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, asserting that the FBOP was incorrectly calculating his good time credits.

In accordance with 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge George C. Kosko for pretrial handling. On July 25, 2005 and September 19, 2005, the Magistrate Judge issued orders directing Petitioner to place his habeas corpus action in “proper form” and also notifying Petitioner of his obligation to keep the court apprised of his current address. Petitioner filed no response to the Magistrate Judge’s orders.

On October 20, 2005, the Magistrate Judge issued a Report and Recommendation in which he noted that Petitioner had not responded to the Magistrate Judge’s July 25, 2005 and September 19, 2005 orders, and, further, that it appeared Petitioner had been released from custody of the FBOP on or about September 16, 2005. Accordingly, the Magistrate Judge recommended that the case be dismissed without prejudice and without requiring Respondent to file a return.

The envelope containing the Report and Recommendation was returned to the Office of the

Clerk of Court on November 4, 2005, marked “released + 30 days + INS.”

As noted hereinabove, Plaintiff was advised of his responsibility to notify the court *in writing* if his address changed. Plaintiff was informed that his case could be dismissed for failing to comply with the court’s order. Based on the foregoing, it appears that Plaintiff no longer wishes to pursue this action. Accordingly, the court adopts the recommendation of the Magistrate Judge. It is ORDERED that this action be dismissed *without prejudice* and without requiring Respondent to file a return.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

November 14, 2005

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.